

OU4/SOLAR PONDS STREAMLINING

The basic DOE premise behind our positions is that the RCRA and CERCLA processes should function to serve the public as the ultimate customer. The DOE's role is to plan and execute programs to serve the public interest and the regulators' role is to serve as agents on behalf of the public interest. From that perspective we suggest that functions which require time and public funds, but add little value to the customer (public), should be eliminated or streamlined to the maximum extent allowable, so that limited funds and management attention can be focused to concerns with a significant benefit for the public.

OU4 IM/IRA Process

Original IAG schedules reflect 82 days to prepare the first draft IM/IRA Decision Document, which then takes 453 more days for multiple reviews, revisions, and approvals. Some review cycles are necessary, however each review cycle should be carefully considered for its value added.

- The IAG currently has four reviews before public comment; two by DOE internally and two by the regulators. By early participation of the regulators in development of the Decision Document this should be cut to a maximum of two review cycles, one for DOE and one for the regulators. It may even be possible to combine these into a single combined review before public comment.
- The IAG currently has milestones for a Design Work Plan (Title I design and schedules) and a Final Title II Design. The Title I design is a preliminary design hold point for large, complex projects. For a straightforward project a separate preliminary design phase is unnecessary and should be included within a sufficiently developed IM/IRA Decision Document. Over 100 days can be saved by addressing the Title I design as an in-progress design review within the IM/IRA process rather than a formal deliverable.

Phase II Process

The IAG attempted to merge RCRA and CERCLA to satisfy the requirements and authorities of the laws and regulating agencies. This merging should go one step further to take the best aspects of each law to apply to a given remediation issue. Our planning should reflect a success orientation, rather than a failure and rework orientation.

- After completion of the Phase I IM/IRA the Solar Ponds will likely have a cap to restrict the movement of surface water through the ponds and potential downward migration of contaminants and water. The Interceptor Trench System (ITS), Modular Tanks, and B-910 are addressing lateral groundwater migration today. Rather than starting from scratch with a Phase II Draft Workplan, an administrative vehicle such as a post-closure care and monitoring plan could be used to gather necessary groundwater data to determine the success of the two IM/IRAs. These data should be used to evaluate effectiveness of the IM/IRA efforts and help determine any final remedy for the unit. Current IAG scoped and scheduled reports and feasibility studies could be combined into a single comprehensive final remedy document (e.g. Proposed Plan) and review cycles streamlined as allowable to accelerate decisions by all parties.

- It is known by all parties that the groundwater beneath and adjacent to OU4 is intermingled between OU2, OU6, and OU9, and may also be mixed with OU8 and OU10. Thus, a Phase II effort focused to a Record of Decision (ROD) for OU4 will likely need to be repeated in part for the other OUs. A broader re-definition of the OU area to a media specific OU (e.g. groundwater, soils), based on the technical data already available could allow a more complete, technically defensible final ROD for the area without redundant and possibly schedule-conflicted efforts.

- Current milestones for a Phase II Corrective Design and Corrective Action construction start presume a required Phase II remedial action. It is more likely that the existing ITS IM/IRA and RCRA closure of the ponds will provide sufficient remedy such that no further action is required. Although this presumption needs to be verified with post-closure data, the milestones should reflect best current judgement. From that view, milestones for Phase II Corrective Design and Corrective Action should be eliminated. If post-closure data and risk analysis show additional remedial work is needed, then appropriate milestones would be re-established based on the analysis.